

ZB# 93-15

**KWG Realty
(Gallagher Trucks)**

9-1-23.1

Mem.

May 10, 1993.

Copy of:

① Deed - submitted orig. at P.H.

② Title Report

③ Photos at new

④ Fees: \$150/250 pd.

List from City of Newburgh where
Assessor - 4 then

Motion to schedule P.H.

Notice to Sentinel on 6/6/93

Public Hearing:

June 28, 1993.

Letters due to be
sent out by 6/16

Sign Variance

Approved -

6/28/93

MADE IN U.S.A.

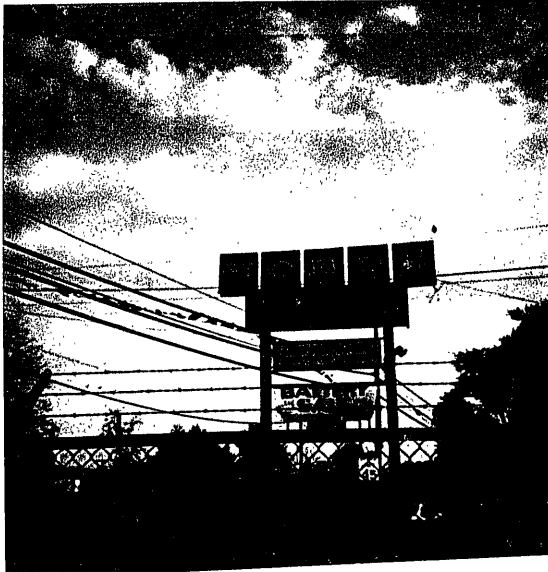
NO. R753 1/3

ESSELTE

Oxford®

#93-15-KWG Realty -

Sign Variance - (Gallagher)



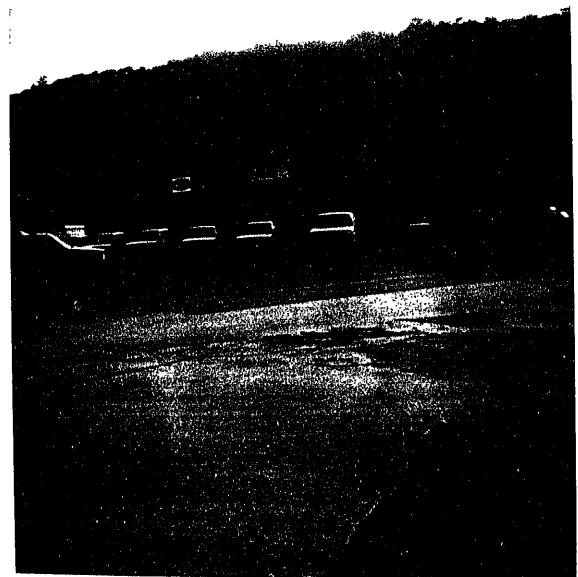
Honda sign appears to be 93-15
over square footage



Rt. 32 heading south. Gone
past driveway.



Large truck bldg. Primarily
consists of tractors, buses
and Rec. Vehicles



Gallagher GMC Truck sales
office. Consists of pick-ups
4WD vehicles & vans

4/1/81



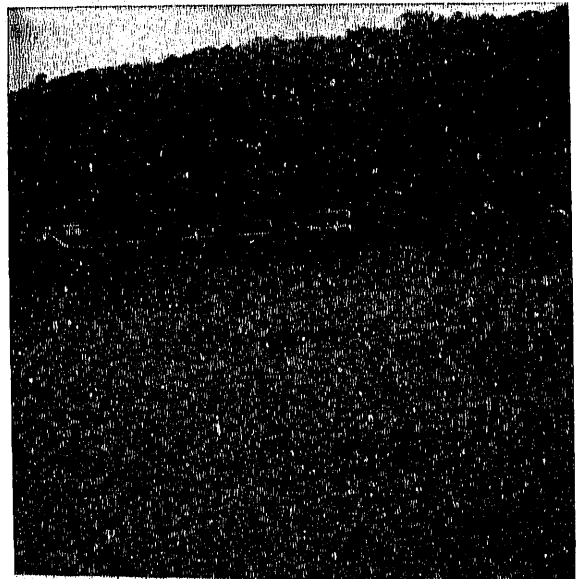
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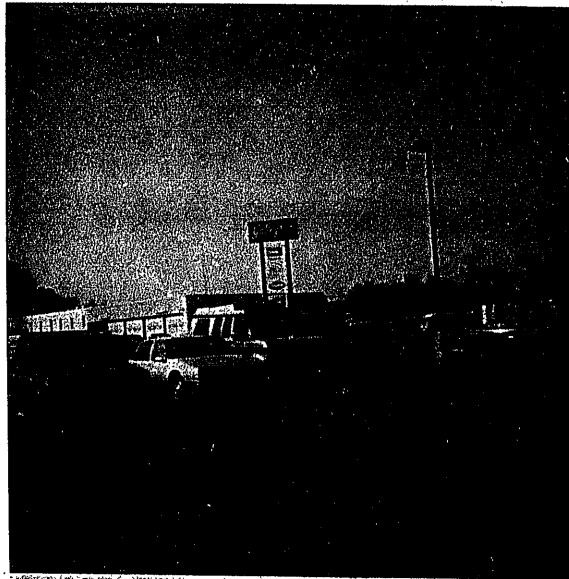


Gallagher GMC Truck sales
office. Consists of pick-ups
4WD vehicles & vans

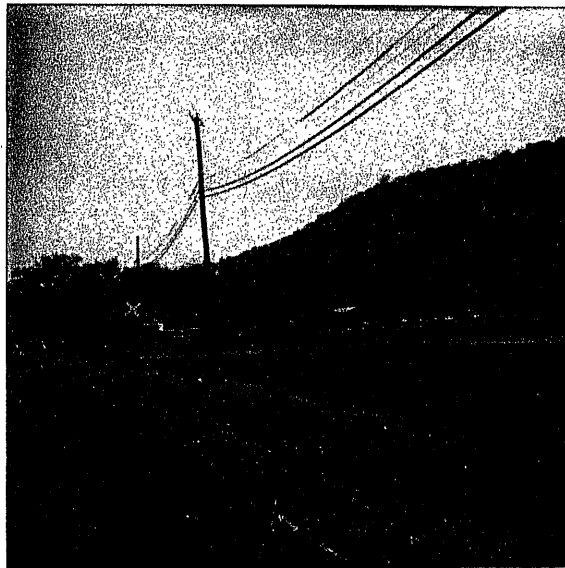
GB
not

TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, NY 12550		GENERAL RECEIPT		13392
Received of		June 7 1993		
Arco General Account		\$ 150.00		
One Hundred Fifty and 00/100		DOLLARS		
For		3. BA #93-15		
DISTRIBUTION:				
FUND	CODE	AMOUNT		
OK#	14888	150.00		
		KWG Realty		
By		Pauline J. Townsend		
		Town Clerk		
		Title		

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Rt. 32 heading North. 93-15
 "Gallagher" garage visible
 to right of Truck dealership



Rt. 32 heading south.
 No sign visibility
 at under 100yds.

Sign distance -

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: KWG Realty (Gallagher)

FILE # 93-15

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 150.00 pd.
 * * * * * 6/4/93 #14889

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 pd.
 6/4/93 14888

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 5/10/93 - 12 pages . . \$ 54.00
 2ND PRELIM. MEETING - PER PAGE \$
 3RD PRELIM. MEETING - PER PAGE \$
 PUBLIC HEARING - PER PAGE 6/28/93 - 11 pages . . \$ 49.50
 PUBLIC HEARING (CONT'D) PER PAGE \$
 TOTAL \$ 103.50

ATTORNEY'S FEES:

PRELIM. MEETING-	<u>.2</u>	HRS.	\$	<u> </u>
2ND PRELIM.	<u> </u>	HRS.	\$	<u> </u>
3RD PRELIM.	<u> </u>	HRS.	\$	<u> </u>
PUBLIC HEARING	<u>.4</u>	HRS.	\$	<u> </u>
PUBLIC HEARING	<u> </u>	HRS. (CONT'D)	\$	<u> </u>
FORMAL DECISION	<u>2.5</u>	HRS.	\$	<u> </u>
TOTAL HRS.		<u>3.1</u>	@ \$ <u>150.00</u>	PER HR.	\$ <u>465.00</u>
					TOTAL \$ <u>465.00</u>

MISC. CHARGES:

_____ \$
 TOTAL \$ 568.50

LESS ESCROW DEPOSIT \$ 250.00
 (ADDL. CHARGES DUE) \$ 318.50 due
 REFUND TO APPLICANT DUE \$



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914) 563-4630

Date: Sept. 14, 1993.
FAX: 914-563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 93-15.

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 318.50. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

cc: Ap

NEW WINDSOR ZONING BOARD OF APPEALS (ZBA DISK#8A-030393.STU)

-----X

In the Matter of the Application of

KWG REALTY INC.
(GALLAGHER TRUCK CENTER)

DECISION GRANTING
SIGN VARIANCES

#93-15.

-----X

WHEREAS, KWG REALTY INC., a corporation having its principal place of business located on Windsor Highway, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for (1) 216 s.f. sign area variance for a free-standing existing sign, (2) 25 ft. sign height variance for a free-standing existing sign, (3) 84.72 s.f. sign area variance for a proposed free-standing new sign and (4) one free-standing sign variance to allow a total of two free-standing signs in a zone where only one free-standing sign is permitted, all located at its premises located on N.Y.S. Route 32, Windsor Highway, New Windsor, N. Y., in a C zone; and

WHEREAS, a public hearing was held on the 28th day of June, 1993, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Frank Gallagher, President of KWG Realty Inc., was present at the hearing, along with Marc Cohen of Arnco Sign Co., who submitted plans for the signs in question, and both of whom spoke in support of the application; and

WHEREAS, the applicant previously has made application to this Board, under File No. 88-12, for an extension by 30% of its structure used for a nonconforming use, to wit, a commercial trucking business, and such extension was permitted by a decision of this Board, dated March 28, 1988; and

WHEREAS, the applicant previously has made further application to this Board, under File No. 89-22, for a 36 s.f. sign area variance for wall signs, and such variance was granted by a decision of this Board, dated June 12, 1988; and

WHEREAS, thereafter the zoning district in which the premises were located was changed from the PI zoning district to the present C zoning district; and

WHEREAS, there were no spectators present for the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking to vary the provisions of the bulk regulations pertaining to sign area and sign height for free-standing signs and also pertaining to the total number of free-standing signs permitted at its site which is located on N.Y.S. Route 32, also known as Windsor Highway, in the Town of New Windsor.

3. Applicant's proposed sign area exceeds the bulk regulations for free-standing signs in the C zone by 216 s.f. of sign area for the free-standing existing sign, and also by 25 ft. in sign height for the free-standing existing sign; and by 84.72 s.f. of sign area for the proposed free-standing new sign; and by proposing a second free-standing new sign in addition to the one free-standing sign permitted in the C zone. Variances for more than the allowable free-standing sign area, free-standing sign height and for an excess number of free-standing signs are required in order to allow the existing free-standing sign to remain and in order to allow construction of the new proposed free-standing sign.

4. The evidence presented and the Board's familiarity with the area shows that Route 32 (aka Windsor Highway) adjacent to the City of Newburgh line, the site of the proposed and existing signs, is a well traveled highway linking the Town of New Windsor and the City of Newburgh. The section of highway in front of the applicant's premises is two lanes wide, with no turning lanes and an unimproved shoulder. Although the posted speed limit is 45 m.p.h., motorists on N.Y.S. Route 32 typically pass the subject site at from 45 to 55 m.p.h., depending upon traffic conditions. Consequently clear signage, which quickly identifies the applicant's multiple businesses at the site, is absolutely essential.

5. The evidence presented by the applicant at the hearing and through photographs, indicated that none of the existing signs are visible on Route 32 heading south until after motorists have passed the site entrance and that since the truck center is located back off the roadway, visibility from Route 32 heading north is encumbered to a large degree by the large and oversized Honda Kawasaki sign on the adjacent lot. Applicant indicated that signs are needed in order to make the site visible by passing motorists on N.Y.S. Route 32. The applicant further indicated that the size of the proposed signs, the number thereof, and the position thereof were selected to appeal to the different markets, i.e. trucks, camper trailers, light vans, buses, etc.

6. The evidence presented by the applicant at the public hearing indicated that the property consists of a large site of some 12 acres (11 of which are located in the Town of New Windsor) which house a number of businesses which serve distinctly different markets, and they are located in two widely separated buildings, which both are set back a substantial

distance from the highway. A large office, sales, and repair shop is located in a building set back some 220 ft. from the road on the north side of the lot. This houses businesses essentially related to heavy truck and bus lines of business: charter buses, truck leasing, and heavy truck, Peterbilt and GMC, sales and service. An existing free-standing sign has served these businesses since approximately 1969. Although said sign is 216 s.f. larger in area, and 25 ft. higher in height, than free-standing signs presently permitted in the C zone. It is not known if the said sign was permitted under the applicable zoning when erected, or was otherwise approved by the town at the time of its construction. In any event, since the sign does not pre-exist the adoption of zoning by the Town of New Windsor, and since it does not meet the present bulk regulations, it is the subject of this variance application as an existing sign. Said sign apparently was sited in its present location - which appears to be set back too far and designed too high - because, at the time it was installed, there was a proposal for a major road to be constructed to the rear of applicant's property. This sign would have been visible to users of that proposed road. Said road was never built and the applicant is left with a large, high sign, set back from N.Y.S. Route 32, located on a curve in the road and partially concealed by a former furniture store. Clearly the sign lacks utility, which the applicant concedes. However, it would be very expensive to remove this sign and relocate a smaller, lower sign close to the road. Thus the applicant seeks the instant variances for this existing sign so that the same can remain "as is" until the elements or other unforeseen circumstances cause the same to be removed and replaced.

7. The evidence presented by the applicant at the public hearing further indicated that a second smaller office and sales building is located in a building set back some 110 feet from the road on the south side of the lot. This houses the GMC light truck business sales operation which covers mainly family-oriented trucks, pickups, vans and 4-wheel drive, and light duty commercial trucks. Thus, the clientele served by this operation differs considerably from that served by the heavy truck and bus operation. There is no separate free-standing sign permitted for the light truck operation since only one free-standing sign is permitted on the parcel. The light truck operation has been served to date solely by wall signs. The applicant indicated that these have proved inadequate due to the set back and the signs on neighboring property blocking the visibility of the wall signs. In addition, it is the finding of this board that this large property serves two widely separated, and distinct businesses, which can each benefit from a free-standing sign without adversely impacting the neighborhood and the public health, safety and welfare.

8. The evidence presented on behalf of the applicant also indicated that the proposed sign was designed to conform to GMC logo signs for their truck dealers nationally. As such, it is easily recognized without being garish. Its size is somewhat larger than permitted by the applicable bulk regulations per sign area but it is not dramatically different from existing signage

for nearby, competing businesses. On balance, the existing and proposed signage does not appear to be unreasonable for those businesses, on this property, in this location.

9. This Board finds that the requested sign area, sign height and number of free-standing sign variances are not unreasonable and will not adversely impact the public health, safety and welfare of the area in question.

10. The subject parcel is located in a commercial zone and all nearby commercial properties have signs to promote their businesses, including similar freestanding and wall signage, many of which are larger than what is permitted in the C zone.

11. The neighborhood in the area of the subject property is devoted to mixed uses since it incorporates other commercial (including another truck dealer and a recreational vehicle dealer) and retail uses, as well as commercial nursery, industrial, and some residential use, along with some vacant land. The character of the neighborhood is clearly commercial, as is evidenced by the recent change in the zoning classification from the PI to C zone. Given the character of the neighborhood, the signage which is the subject of this variance application is not out of character and will not degrade the neighborhood.

12. The evidence presented by the applicant further indicated and the Board's familiarity with the area further shows that clear and easily recognized signage is especially critical in this area because of the volume of traffic generated at the site and because of the rapidly moving traffic along N.Y.S. Route 32. It is the finding of this Board that the applicant's proposed signage will accomplish this purpose in a reasonable manner and will allow the applicant to market its products and services to the public without adversely affecting the public health, safety and welfare.

13. The evidence presented further showed that the proposed signage will facilitate ready identification of the applicant's property, by passing motorists.

14. Clear and quickly readable signage at this site will minimize the hazards to the public health, safety and welfare, as well as providing the applicant the necessary exposure for its several, differing operations at this site.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The premises are used for uses permitted in the C zone which is consistent with the character of the neighborhood. The proposed signage is consistent with the character of the neighborhood.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance

procedure.

3. The requested variances for sign area and sign height are substantial in relation to the bulk regulations for sign area. The requested variances for number of free-standing signs is substantial in relation to the bulk regulations for permitted number free-standing signs. However, this Board has concluded that the granting of the requested substantial variances are warranted here because the sign area, sign height and the number of free-standing signs are reasonable given the setbacks of the buildings, the lack of visibility from the road, and the different markets which the applicant has to reach. The proposed signage is a reasonable balancing of the applicant's needs to identify and promote its business on the site and the need to protect the health, safety and welfare of the motorists passing the commercial businesses in this area and of the general public.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is partially self-created. The applicant's request for two (2) free-standing signs which are oversize and one of which is overheight at this site in the C zone with knowledge of the applicable zoning regulations must preclude any claim of hardship. However, the long standing nature of the existing signs, which may have been previously approved, makes it a part of the character of the neighborhood. In addition the applicant had to confront the issue of selling to distinctly different buildings, each of which was sited well back from the road on this large parcel. The difficulties which the applicant has sought to reconcile here are thus partially self-created, and partially the result of the site size, shape, and location, and the development of buildings and signage on neighboring parcels. The applicant is seeking to overcome these difficulties in the appropriate manner by submitting the instant application.

6. It is the finding of this Board that the benefit to the applicant, if the requested sign area, sign height and number of free-standing sign variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested sign area, sign height, and number of free-standing sign variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested sign variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT (1) 216 s.f. sign area variance for a free-standing existing sign, (2) 25 ft. sign area variance for a height variance for free-standing existing sign, (3) 84.72 s.f. sign area variance for proposed free-standing new sign, and (4) one free-standing sign variance to allow a total of two free-standing signs in a zone where only one free-standing sign is permitted, at the above location in a C zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 13, 1993.


Chairman

Date 7/1/93, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth, 172 Moores Hill Rd. DR.

New Windsor, NY 12553

DATE

CLAIMED

ALLOWED

28/93	Zoning Board	75 00		
	Misc - 3			
	Metromedia - 1 - 4.50.			
	KWG - 11 - 49.50.			
	Harnett - 9 - 40.50.			
	Mugnano - 13 - 58.50			
	Maroulis - 6 - 27.00.			
	Berry - 4 - 18.00.			
	<u>48.00</u>	<u>216 00</u>		
		291 00		

PUBLIC HEARING:

KWG REALTY (GALLAGHER TRUCK CENTER)

MR. TORLEY: Request for sign variances as follows:
(1) 216 s.f. free-standing existing sign, (2) 25 ft. height variance for free-standing existing sign, (3) 84.72 s.f. for proposed free-standing new sign and (4) a variance for more than one free-standing sign per lot at Rt. 32 location in a C zone.

Mr. Marc Cohen and Frank Gallagher appeared before the board for this proosal.

MR. LUCIA: Number of signs counts as a separate line item.

MR. COHEN: My name is Marc Cohen, representing the sign company representing Plasti-line (phonetic) of Knoxville Tennessee, who is the agent for Gallagher. I actually have this divided into 3 variances so they had two of them put together so I prepared my notes that way, if I can do it that way. The first one as we discussed was having more than one freestanding sign on the lot. I see you have pictures that I had last time when I was here and of course we wanted to emphasize that there are two separate dealerships run which appeal to two different markets. He has his large truck camper type building which is 220 feet back from the property line with the large sign primarily addresses. Then he has the smaller building which is 110 feet back from the property line which is predominantly marketing the GMC trucks, light vans, Jimmies and he does have some used cars there. What he is actually trying to do in this case is appeal to the different markets, to the more family oriented market. The other need that was what we felt was a hardship but even more so of a hardship as you're coming down Route 32 from Newburgh, the dealership, it is not visible until you're well passed it because of the way the road curves. It's a 45 mile an hour speed limit. I went down there at 40 miles an hour and I went passed looking for it and I really see a need that he does need to identify. Mr. Gallagher just walked in.

MR. GALLAGHER: Sorry I'm late, folks.

MR. COHEN: And I believe from previous conversations if what it would take to allow GMC dealership to be identified would be removal of the GMC portion of his large sign, correct me if I am wrong, but I believe you mentioned that that would not be a problem.

MR. GALLAGHER: That is fine.

MR. COHEN: I've prepared and I have only 3 of these, they don't copy. These are the color engineering drawings. One thing they did do, the maximum height is 15 feet and I don't know why they put 20 feet there. That is an error.

MR. LUCIA: If we're going to submit this, could I just have you hand amend it for me?

MR. TORLEY: We have one that says 15.

MR. COHEN: Yes, that is correct.

MR. LUCIA: Just so the one we have in the file shows it.

MR. COHEN: That is primarily the reason that we're seeing the first variance to allow a second freestanding sign on the property. Now, I need some help from Frank with the other variances. I know the last time we discussed whether or not the zoning regulations were in effect when it was put up how long it's been put up apparently it's been 18 some odd years it's been there, it is an old style sign, if I were selling a sign today, I wouldn't sell one like that. It's pretty much a dinosaur, it was put up at the height it is because of an idea that a highway was going to be running behind his property and probably his father figured this would be an excellent chance for visibility but the other thing with it, despite the size of the sign, it sits so far back from the side roadway it doesn't make it efficient. I think that the intent in going for a variance at this point is just to make things right, it's been there for a long time

there haven't been any complaints you know just to set things straight and catch up with what the current regulations are, that is why we're seeking a variance on a particular sign and that would be both for height and area. Now, if a portion of the sign were reduced we have assurances from Mr. Gallagher there's a neon band on the top that is broken not going to be fixed, one of the pictures shows as you're coming Route 32 north from New Windsor to Newburgh, it's not like it's right on the road. It's set so far back that it really isn't and I don't feel it's an obstruction to anybody and again it does provide some sort of identification for the trucks. The final set I guess of variances would be for the new proposed GMC sign. I was thinking about and I do a lot of GMC and go to a lot of the meetings, I was thinking about how square footage is figured and lot of it, it's not always mathematical, a lot of it becomes interpreted. So letters can be eliminated, background can't, so if you have a colored panel it can detract from this, that I know from the first meeting we spent quite a bit of time trying to figure out exactly how big this sign is going to be. Some things that I have run across over the past couple years has been that some towns we round off where 6, 4, 6, 4, could be 6 by 6, some places you count two sides but yet that is if the sign is at an angle because you can only see one side at the time. Volvo makes signs that way they make them like this so that when you're coming down the road, you're actually looking at two sides of the sign and then the other side is also what they do is back it, they make triangle. From one side it's flat and the other it's triangular. Then you get into arguments what's the real true square area of a triangle sign and that becomes a point of discussion sometimes the logo we'll do we count it so if I were to say well, the sign is 84.72 square feet, if I were to picture, I'd picture a sign that was really massive. Where if you add a square box on one side you get 85 square feet which is a lot. GMC, the layout GMC has put a lot of work and design in these particular logos, it's designed so that the GMC as you can see by the colored drawing is the predominant focus, trucks is underneath and that is on a red background with a white border around it, the border of the white is about 18 inches all the way around. That is a pretty much

scaled drawing give or take sometimes 18, sometimes 24 because the sides are bigger than the top. What it's basically designed to do is to give a picture frame effect where the white illuminated outlined the red doesn't show up as illumination and the letters stand out. We put a dealer's name we want to identify when people are coming through naturally GMC wants GMC to show they want GMC as a product and it's a very recognizable logo and GMC wants to give the dealer some recognition and they put a band with the dealer's name across it. Local people are probably more in tune than somebody coming from a distance like I am and happens to be wanting to stop at a GMC dealership, the Gallagher won't mean anything but generally the name Gallagher means nothing unless you know who he is. Mr. Gallagher has been in business for a long time and I'm sure he's very proud of his name and the name does for people who know him means some sort of quality and we have 18 by 18 inch GM logo which again the red is for the opaque and you have simple white border around a frame. Also going through Town, not through Town but coming into New Windsor, I know that there's not a lot of sight opportunity available if you are going at 45 miles an hour and I can tell you most weren't, they are probably going 55 on that road and you hit the corner as you're going around because the sign is going to be on the south side of the driveway, you're not going to be, you won't really see a sign the size of what would fit into the regulations until you're pretty much passed it. And that would probably cause more problems and it's very difficult, there's no way to turn around. There's also competition factor, I know that the Honda, Honda is recognized as a type of car or foreign care, I believe the Honda place next to him does not sell cars but again they are using the Honda logo, same colors and they have quite a bit of oversized so therefore Mr. Gallagher in one respect would want to stay competitive, draw the crowd in and this is really the first place you go to when you come through New Windsor. It's the first thing you see. It's almost like well, we're in New Windsor now and when you come up from Newburgh, I don't know how many live in Newburgh, I don't mean to offend anybody but Newburgh is a different type of Town than New Windsor in that you're not, your coming from one type of population

area into a different type of town and this is the first thing you see and GMC would like to be the most recognizable logo as you first come into Town. I appreciate your considering our proposal to put the GMC sign up the way it is and again, it's the dignified sign, it will be taken care of. It's very high quality, the way the sign is built and constructed GMC they do quite a job, it's not just kind of thrown up there and the installation too, a lot of care is given to the installation of the sign. We have to fill out probably two dozen forms on a piece of paperwork to submit this and get GMC's approval. One of the things GMC does. One of the things they do with no other vendor, customer, that we supply and do I installs for requires this but they always require dedicated electric line and the reasoning for that is well, it has the warrantee basically but they want a hundred percent control over everything that goes on. They want to make sure that everything is done the way the GMC specs warrant it or GMC. GM, as a matter of fact, where the signs are made in Knoxville, the sign company doesn't even own the machines that make it. GMC puts the machines on there. We use them and we send our maintenance guy down there and we make sure you're not messing up our machines our molds and things that are there. Everything connected with the sign, he's not even going to own the sign. He's going to lease it so GMC puts a forever and ever until your children's children's children's are gone so GM puts an awful lot of care into the design, installation and presentation of their sign. That is all I have.

MR. LUCIA: Route 32 in front of the premises is a two lane highway, is it, no turning lanes?

MR. GALLAGHER: Correct, that may change in '95 or '96 because that is when DIT is going to work on 32.

MR. LUCIA: Given the existing road situation, you need your business to be recognized fairly quickly so people can make their decision and turn in?

MR. COHEN: Yes.

MR. LUCIA: You're saying the existing signage because

of the setback does not give you that recognition?

MR. COHEN: The existing signage doesn't do anything from Newburgh because you can't see it coming from the other side. You can see it from the other side. It's definitely visible. The point, the main point was that coming from Newburgh, it's totally invisible from the other side. It's set back quite a ways.

MR. LANGANKE: This is a safety factor, it would reduce turnaround I thought that we had the last time we asked that we had designed this variance so that he wouldn't have to change the large sign at all. I thought we discussed that and we were satisfied.

MR. GALLAGHER: It's an offer made on my part. If I want to take the over fine, I prefer not to get a ladder truck and go up there.

MR. LUCIA: My recollection there was discussion of it but I don't think the board came to a consensus that they wanted to change that.

MR. LANGANKE: We decided to cover the old sign with this variance that nothing had to be changed.

MR. LUCIA: Exactly, just a couple specific questions with regard to all your sign area variance requests and sign number variance request. Do you feel undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created if this board should grant you an area variance?

MR. COHEN: No, I don't feel so.

MR. LUCIA: What's the general character of the neighboring properties?

MR. COHEN: In New Windsor?

MR. LUCIA: Yes.

MR. COHEN: There's Honda dealership and further down the road there's a Devitt's, which is a farm market so actually I guess that side of the road is fairly rural,

must have been some industry because you cross a railroad spur which goes across the main road. I don't know anything about this area.

MR. LUCIA: Maybe Mr. Gallagher could speak to neighboring uses.

MR. GALLAGHER: From my driveway south, there's Honda dealership, there's a personal residence, who bought GMCs, they are good people, road, maybe 6 or 8 houses up there and a small strip mall, they sell some vacuum cleaners and that type of thing. I think a beauty supply store, some open fields then it would be Arkel Motors, another truck dealership. Across from Arkel's there's Devitt's, poll company, asphalt company, concrete company, trucking company, so it is a mix of neighborhood between industrial and some residential.

MR. LUCIA: Thank you. Is the benefit which you seek here achievable by some other method feasible for your to pursue other and than an area variance?

MR. COHEN: I really don't think so. I think in regards to area variance because no matter if let's assume that we're going to have a second sign, you have to talk about it, if the thing is going to be there if you assume a second sign then you have to assume that if it is even one square foot, it's going to require an area variance. So therefore, you need something that is large enough to see so assuming a second sign would automatically be assuming a definite need and a hardship from their variance. We're only taking an area variance and dividing up into two signs.

MR. LUCIA: Are the requested area variances substantial in terms of numbers?

MR. COHEN: For our sign probably.

MR. LUCIA: And you feel that there's a need for it based on your setback and no visibility at all?

MR. COHEN: Yeah, well, the no visibility is predominant thing and then of course the proximity of the sharp curve to where his driveway is so we measured

it last time I think it was like 100 feet, doesn't take long to travel 100 feet at 55, 44 assuming people are following the speed limit they go passed it.

MR. LUCIA: 55 is the speed?

MR. COHEN: 45 is the official speed limit.

MR. LUCIA: Does the proposed variance have an adverse effect or impact on physical or environmental conditions of the neighborhood?

MR. COHEN: No, we see that there is really nothing there that I know of unless you do that would effect it. We're not going to be taking anything else only thing we're doing is leaving a little bit of the front grass up and we put that back and we'll run electrical to the asphalt to his box, his primary, I think it will fit in. It's a clean sign so it will fit in, it's not bright, it's a pretty subdued sign, it's a subdued company.

MR. LUCIA: Existing sign there's no change at all?

MR. COHEN: Not unless he wants to.

MR. LUCIA: And then was the difficulty self-created? Did you create this hardship yourself?

MR. COHEN: It's hard to say. Maybe a long time ago.

MR. LUCIA: I suppose the answer to that is yes but you're--

MR. COHEN: When did you add GMC?

MR. GALLAGHER: 1955.

MR. LUCIA: So you are doing what you can to remedy the situation?

MR. COHEN: Well, 1955 I was just a pup then but you look at some of the older signs, see signs are like clothes, it's fashion. You know what we wore back in 1955 or '65 isn't the same as what we're wearing now so

what was considered to be state of the art is kind of an obvious word but what we consider to be fashionable or presentable at one time no longer is. For example, motel industry is hit hard you see the bright exposed neon exposed signs that were used in the '50's and '60's, put that up against Ramada Limited, you're traveling with your family, which one would you stay at? You think of that as the Bate's Motel, that is what I tell people all the time. You're not going to stay at a Bat's and it's true, just like Eat at Joe's versus a clean type of thing.

MR. GALLAGHER: I think they give you credit for making that point.

MR. LUCIA: But you're doing what you can to remedy the situation?

MR. COHEN: Correct, to bring things up to modern.

MR. LUCIA: Thank you for the photographs of the site. I didn't see a copy of the deed or title policy. Did you happen to bring that along?

MR. GALLAGHER: Take your pick.

MR. HOGAN: Mr. Gallagher, the siting of the sign here, the new sign that you are requesting, it's not going to block the Honda dealership sign at all?

MR. GALLAGHER: No, because it will be set back a little further. In fact going in the other direction, the Honda sign would probably block ours more than the other way around.

MR. TORLEY: I have no problem with these variances as they stand. The only difficulty I have is we discussed at the preliminary meeting, your present sign which may well pre-date zoning. We are assuming it needs a variance by granting this variance, the only think that bothers me is that it falls over one night in a hurricane. If we grant you the variance, you can replace that sign same height.

MR. GALLAGHER: If that fell over we'd take it as a

blessing.

MR. TORLEY: Can we condition this?

MR. TANNER: Larry, take his word for it.

MR. TORLEY: I trust Mr. Gallagher.

MR. LANGANKE: I'm willing to trust him. I don't think we have to go into that.

MR. TORLEY: You would not replace that sign with that?

MR. GALLAGHER: Doesn't do us any good, the furniture building what used to be Bruce Stevens Furniture completely blocks the view of that. When I think it was going to be 9W bypass around the City of Newburgh like a lot of things in Newburgh doesn't happen, that sign would have been perfect for that. But that highway never came.

MR. TORLEY: Anyone from the public signed up for this?

MS. BARNHART: No, there's no one here.

MR. TORLEY: Anyone that wishes to speak on this matter? If not, I'll close the public hearing, open it back to the members of the board.

MR. LUCIA: I'll return that to you. I see there's reference in there as for almost real properties, certain covenants, restrictions and easements of record. Is there anything affecting the title to this property to your knowledge which would prohibit you from maintaining the sign?

MR. GALLAGHER: Not to my knowledge. It's as you can tell they are not referred to too often.

MR. LUCIA: Thank you.

MR. LANGANKE: I think it's an attractive sign. I think it will look very well and you have done a good job presenting your case.

June 28, 1993

13

MR. TANNER: Make a motion we grant the variance.

MR. LANGANKE: I second it.

ROLL CALL

MR. TORLEY	AYE
MR. HOGAN	AYE
MR. TANNER	AYE
MR. LANGANKE	AYE

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 6, 1993

APPLICANT: ARNCO SIGN CO. (% MARK COHEN)
1133 SOUTH BROAD STREET
WALLINGFERN, CT 06492

*KING Realty (owner)
Frank Gallagher.*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: MAY 5, 1993

FOR (BUILDING PERMIT): FOR 6-4 X 6-4" POLE SIGN

LOCATED AT: ROUTE 32, NEW WINDSOR, N.Y.

ZONE

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 23.1
GALLAGER TRUCK SALES

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. NOT MORE THAN ONE FREESTANDING SIGN PER LOT.
2. WALL SIGNS EXCEEDS MAXIMUM SQ.FT. ~~XXXXXXXXXX~~.
3. SIGN #1. (EXISTING) EXCEED MAXIMUM SQ.FT. AND MAXIMUM HEIGHT.
4. SIGN #2. (PROPOSED) EXCEEDS MAXIMUM SQ.FT.

Michael Buback

BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE C

USE N-7

*REVISED 5-10-93
Michael Buback*

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4. SIGN #2. (PROPOSED) EXCEEDS MAXIMUM SQ.FT.

Michael Babak

BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE C

USE N-7

*REVISED 5-10-93
Michael Babak*

FREESTANDING SIGNS

ONE

TWO

ONE

WALL SIGNS PER VARIANCE 96SQ.FT.
89-22

-96 SQ FT

SIGN #1 (EXISTING)
HEIGHT

40SQ.FT.
15FT.

256SQ.FT.
40FT.

216SQ.FT.
25FT.

SIGN #2 (PROPOSED)
HEIGHT

0
15FT.

42.36 SQ FT
~~0 SQ.FT.~~
15FT.

42.36 SQ FT
~~0 SQ.FT.~~

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF
APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

29¹ 0.8
96.

- $$\begin{array}{r} 194.8 \\ 96 \\ \hline 290.8 \end{array}$$

(Name and title of corporate officer)

1. On what street is property located? On the W side of Winden Hwy. Rte. 32 South
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated C Is property a flood zone? Yes No ✓

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

290.8
96

194.8

194.8
96
290.8

X Name of Owner of Premises KWG Realty
X Address Windsor Hwy Rt 32 South New Windsor NY 12551 Phone (914) 565-7700
Name of Architect
Address Phone
Name of Contractor ARCO Sign Co.
Address 1133 So Broad St Wallingford CT 06492 Phone (203) 265-0851
State whether applicant is owner, lessee, agent, architect, engineer or builder Agent / Installer

If applicant is a corporation, signature of duly authorized officer.

ATT MARC COHEN

(Name and title of corporate officer)

1. On what street is property located? On the W side of Windsor Hwy Rt 32 South
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated C Is property a flood zone? Yes..... No ✓
3. Tax Map description of property: Section 9 Block 1 Lot 23.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other ✓ New Sign
6. Size of lot: Front Rear 195' Depth 154' Front Yard 195' Rear Yard 465' Side Yard 140'
Is this a corner lot? NO
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units N/A Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars N/A
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Car Dealer
10. Estimated cost \$1800.00 Fee \$450
(to be paid on this application)
11. School District

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

C Zone - 1 Pole Sign
40 sq ft ALL Sides
15' height

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....3/31/1993.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

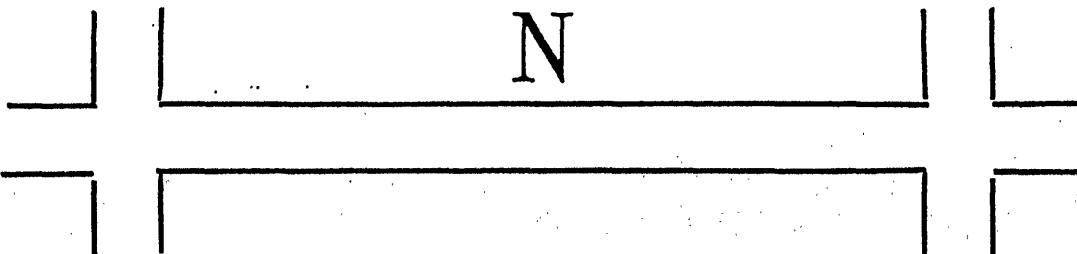
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Man. R. Cohen COHEN.....1133 So. Broad St. Wallingford CT 06492
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —

Planning Board.....

Highway.....

Sewer.....

Water.....

Zoning Board of Appeals.....

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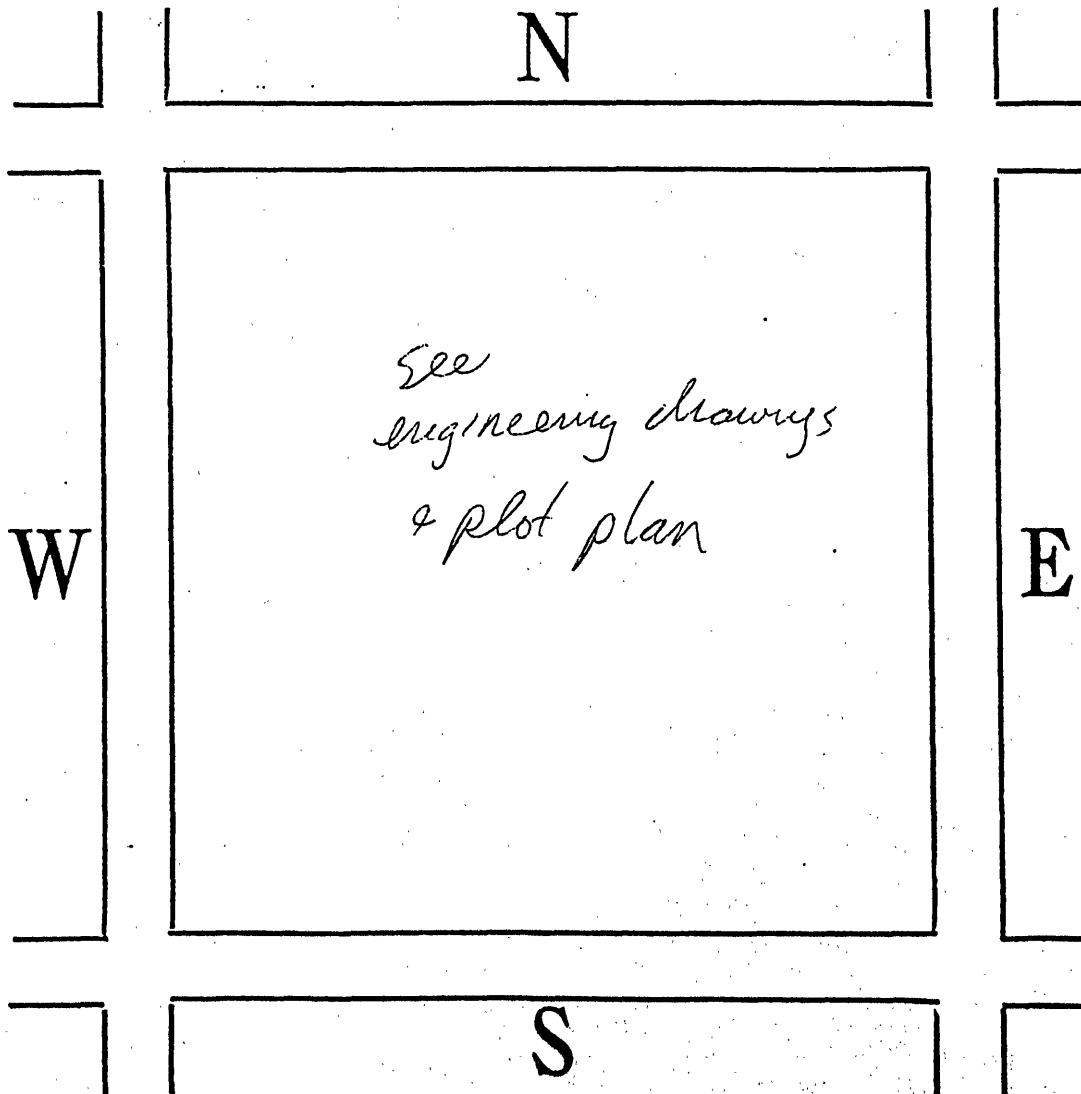
Mar. R. Cohen COHEN
(Signature of Applicant)

1133 So. Broad St. Wallingford CT 06492
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



NEW WINDSOR ZONING BOARD OF APPEALS

(ZBA DISK#2-050388.FD)

-----x

In the Matter of the Application of

K.W.G. REALTY CORP.

DECISION GRANTING
SIGN VARIANCE

#89-22.

-----x

WHEREAS, K.W.G. REALTY CORP., a domestic corporation having its principal place of business located on Windsor Highway, New Windsor, New York 12550, by its Treasurer, Frank X. Gallagher, has made application before the Zoning Board of Appeals for a sign variance for the purpose of locating a sign on the building facade at above location in a PI zone; and

WHEREAS, a public hearing was held on the 22nd day of May, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Frank X. Gallagher, appeared in behalf of the above corporation; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that Applicant is a corporation which owns the facility known as "Gallagher's" and is presently before the ZBA to seek a 36 s.f. sign variance for placement of a sign on the newly-constructed building.

3. Applicant's proposed sign area exceeds the bulk regulations for a sign in the PI zone by 36 s.f.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the sign variance requested is not granted due to the fact that this is a well-travelled highway and a sign for identification is required.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

3. The proposed request for a sign variance of 36 s.f. is not excessive.

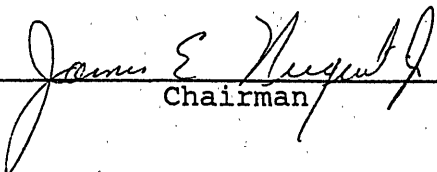
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a sign variance of 36 s.f. in accordance with plans presented at the public hearing and on file in Building Inspector's Office.

BE IT FURTHER,

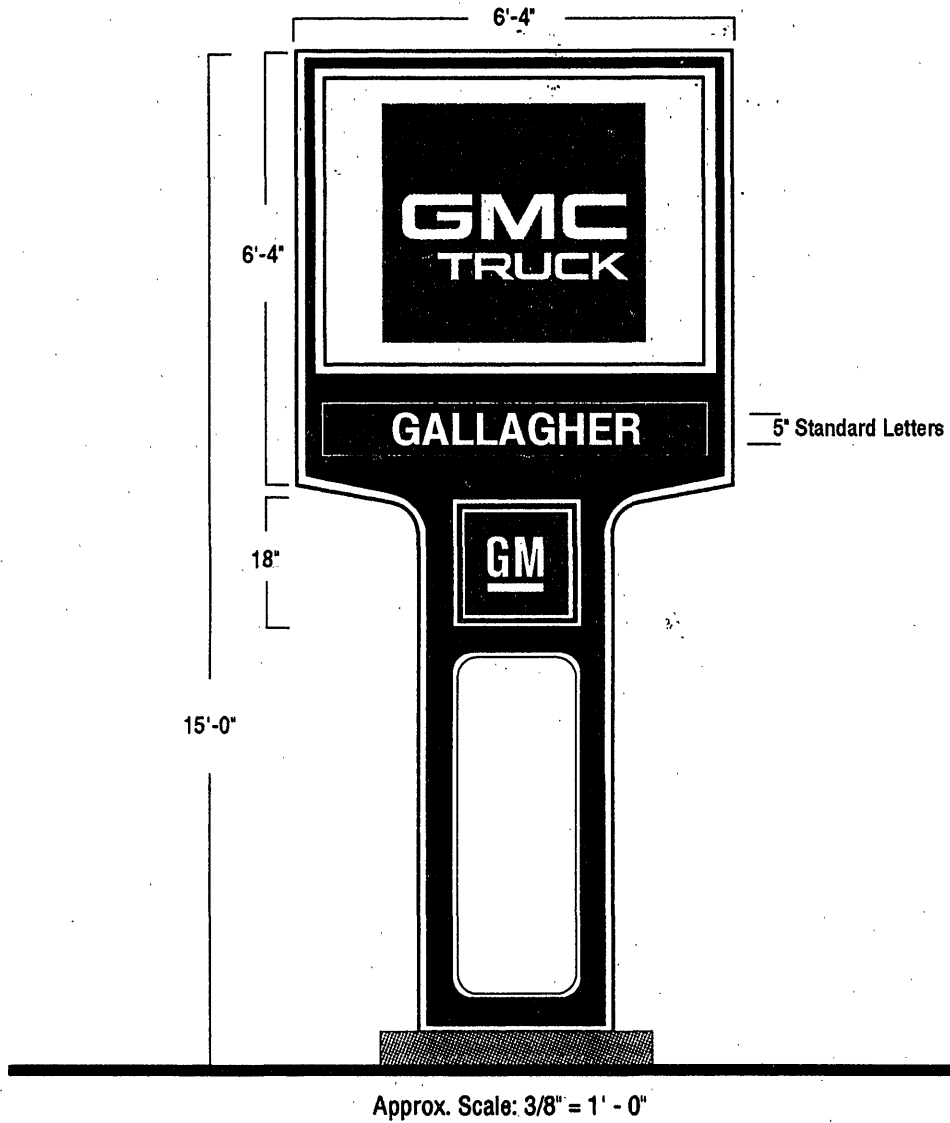
RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 12, 1989.


Chairman

42.36 sq ft.

Gallagher GMC S38
Pylon Sign



Plasti-Line, Inc.

Buick S38 /Gallagher/150AH

93-15.

E1



Gallagher

E2



GMC
TRUCK

E4 →

E5 →

E6 →

E7 →

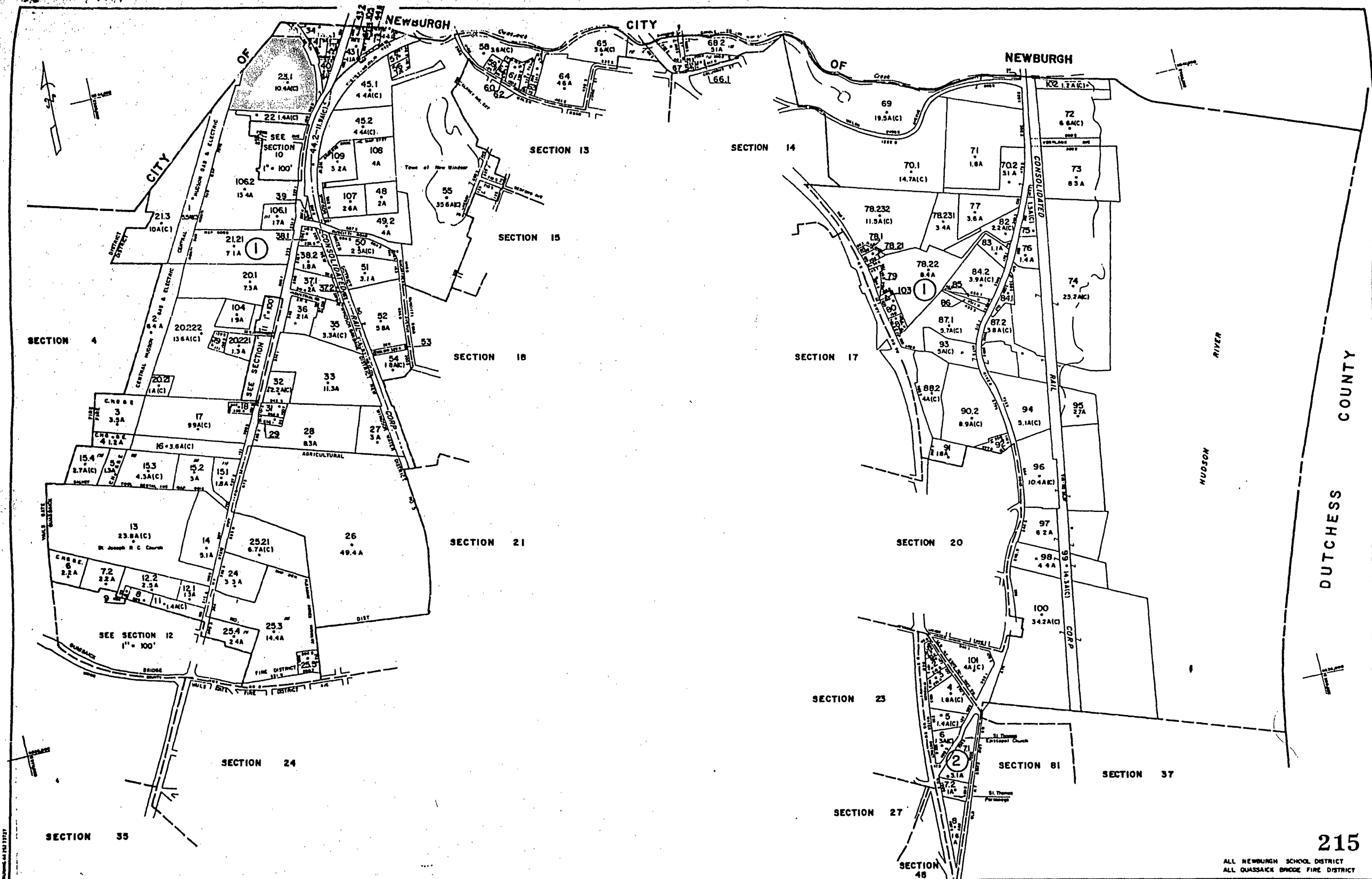
E8 →

Gallagher

E3



Pitbull



Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10924
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	SALESMAN'S LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREAS (Acres) 1/2, 1/4, 1/8, 1/16, 1/32, 1/64	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Feet) 10, 20, 30, 40, 50, 60, 70, 80, 90, 100	COUNTY HIGHWAYS
PROPERTY LINE	AND COORDINATE CENTER		TOWN ROADS

ORANGE COUNTY~NEW YORK

Photo No. 8-496,497,998 13-15 Date of Map: 9-24-87
Date of Photo: 3-1-83 Date of Revision: 3-1-91
Scale: 1" = 400'

TOWN OF NEW WINDSOR

Section No. 9

Rec'd ZBA
office 6/8/93 (113)

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 93-15

Request of KWG Realty Inc.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit 1) Oversize ground sign and 2) Second
ground sign on property;

being a VARIANCE of

Section 48-12-Table of Use/Bulk Reqs. - Col. N

for property situated as follows:

Gallagher Truck Center -

New Windsor Highway Rt. 32

New Windsor NY 12553, known as tax map.

Section 9 - Bk. 1 - Lot 23.1.

SAID HEARING will take place on the 28th day of

June, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

James Nugent.
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

KWG Realty

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

93-15.
-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 17, 1993, I compared the 34* addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
17th day of June, 1993).

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4884065
Commission Expires July 15, 1995

* Including City of Newburgh.

(TA DOCDISK#7-030586.AOS)

New Windsor Town Hall
555 Union Ave.
New Windsor, NY 12553
att: Patricia Barnhart

Dear Pat—

Enclosed you will find the stamped envelopes
for the property owners within 500 feet of Gallagher.

I have included the Newburgh people as well
as New Windsor. Please let me know if there is
anything else you need. Otherwise, I will see you
on the 28th.

Thank-you.

Mark R. Cohen



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(25)

*Marc:
Did you get a
list from the City
of Newburgh?*

May 27, 1993

Gallagher Trucking Center
Windsor Hwy. Route 32
New Windsor, NY 12553

Re: Tax Map Parcel: 9-1-23.1
Owner: K W G Realty Corp.

To Whom It May Concern:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (LC)

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

Central Hudson Gas & Electric Corp.
c/o Tax Agent
South Rd.
Poughkeepsie, NY 12603

Mans, Clarence P.
PO Box 247
Vails Gate, NY 12584

Newburgh Miron Lumber Corp.
250 Lake St.
Newburgh, NY 12550

Tomkin Holding Corp.
8 Susan Dr.
Newburgh, NY 12550

McDonald, Jane E.
240 Lake St.
Newburgh, NY 12550

Thompson, Charles I. & Weston, William K.
c/o Heights Lumber Co.
3 Windsor Hwy.
New Windsor, NY 12553

A.T. Reynolds & Sons Inc.
Box K
Kiamesha Lake, NY 12751

Consolidated Rail Corp.
Property Tax Dept.
PO Box 8499
Philadelphia, PA 19101

Triangle Pacific Corp.
16803 Dallas Pkwy.
Dallas, TX 75248

Cornwall Paper Mills Co.
300 Executive Dr. Suite 360
West Orange, NJ 07052

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

New Windsor Equipment Rentals & Service Inc.
PO Box 2068
Newburgh, NY 12550

Argenio Bros. Inc.
PO Box 2068
Newburgh, NY 12550

Mans Bros. Realty Inc.
PO Box 247
Vails Gate, NY 12584

Monti, Anthony & Veronica
15 Fern Ave.
New Windsor, NY 12553

Decker, Frank M. & Kristen
9 Fern Ave.
New Windsor, NY 12553

Thomas, Kenneth A. & Pamela A.
7 Fern Ave.
New Windsor, NY 12553

Kennedy, Thomas A. & Helen I.
5 Fern Ave.
New Windsor, NY 12553

Scott, Jack D. & Charlotte A.
32 Windsor Hwy.
New Windsor, NY 12553

Mihalco, Emil J. & Helen
14 Fern Ave.
New Windsor, NY 12553

Porteous, Frederick A. & Inda C.
12 Fern Ave.
New Windsor, NY 12553

Ozkurt, Osman & Zanif
10 Fern Ave.
New Windsor, NY 12553

Schermerhorn, Richard E. & Rosemary W.
36 Windsor Hwy.
New Windsor, NY 12553

Padilla, Angel M. & Nellie A.
38 Windsor Hwy.
New Windsor, NY 12553

Schaffer, William S. & Richard A.
RD 2 Box 355 Bethlehem Rd.
New Windsor, NY 12553

NOTE: Please be advised that the 500 foot radius goes into the City of Newburgh.



CITY OF NEWBURGH

CITY ASSESSOR'S OFFICE
CITY HALL
NEWBURGH, NEW YORK
12550
Phone (914) 565-3263

Robert M. Huxel, I.A.O.
Assessor

Arnco Sign & Crane Service
1133 South Broad Street
Wallingford, Connecticut 06492

5/17/93

As per your request, the following list represents the properties which are within a 500' radius of the property known as Gallagher Truck Sales, New Windsor.

Section Block Lot	Property Address	Owner's Address
42-2-6.11	222-246 Lake St	Lake St Houses Inc Lake St Newburgh, N.Y. 12550
42-2-11	250 Lake St	Newburgh Miron Lumber Corp PO Box 2128 250 Lake St Newburgh N.Y. 12550
43-1-36.11	Lake St	City of Newburgh Industrial Development Agency 83 Broadway Newburgh, N.Y. 12550
43-1-36.12	203 Lake St	A T Reynolds & Sons Inc Box K Kiamesha Lake N.Y. 12751
43-1-37	239 245 Lake St	Charles Thompson William Weston Box 3197 3 Windsor Highway Newburgh, New York 12550
50-1-6	Lake St	City of Newburgh City Hall 83 Broadway Newburgh, N.Y. 12550
50-1-8	Temple Ave	K W G Realty Corp PO Box 2628 Newburgh N.Y. 12550

Date 5/21/93, 1993

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 389 moore H71 Rd DR.
New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
5/10/93	Zoning Board Meeting	75	00
	Misc - 2		
	BUDG - 12 - 54.00		
	Leidy - 4 - 18.00		
	Harris - 21 - 94.50.		
	Collins - 6 - 27.00.		
	45	202	50
		322	50

PRELIMINARY MEETING:

KWG REALTY (GALLAGHER TRUCK CENTER)

MR. TORLEY: First preliminary meeting KWG Realty Gallagher Truck Center. Request for the following sign variances: Wall signs, 194 ft. 8 in. variance, free-standing (existing) sign, 216 s.f. variance, free-standing (proposed) sign, 67 s.f. 11 in. variance plus a variance for more than one free-standing sign per lot, and a variance for wall signs which exceed maximum square feet located on Route 32 in a PI zone.

Marc Cohen and Frank Gallagher appeared before the board on this proposal.

MR. BABCOCK: Can we clear up just a couple of those numbers for a minute? My office, when they calculated the wall signs, they calculated all the signs including on the paperwork including freestanding so that is a mistake. They received a variance 8922 was the number to put up 96 square feet of wall sign which is there now. They've not increased that. So that was my office, it was a mistake in the calculation on the wall sign so they do not need a variance on any wall signs. Number 2, the existing, pre-existing sign and what I have been told tonight is that that is a sign that has been already there, it's been there before zoning. So I don't think that it is on there on this agenda today for a variance more than it is on the agenda more for a point of reference so that you gentlemen know how much sign the gentleman already has on his property and he's asking for one additional freestanding sign. In the existing pre-existing sign, the C zone I allowed him 40 square feet of sign area. When you break it down to him needing a variance of 216, I'm not sure what the board wants to do with that. I'm not sure that he needs a variance for the pre-existing sign, it's there more for a point of information showing how much sign he does have.

MR. TORLEY: How does it come to he needs 25 feet for specs for height?

MR. BABCOCK: It was pre-existing, it was put up before

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the zoning law was in effect.

MR. TORLEY: How high is the sign?

MR. BABCOCK: It's 40 feet, I'm sorry.

MR. TORLEY: Has been there before zoning?

MR. COHEN: 1969.

MR. LUCIA: that doesn't pre-exist zoning if that is an accurate date.

MR. TORLEY: Do you know when it was constructed?

MR. GALLAGHER: Building was started in 1968 we took occupancy in 1969.

MR. LUCIA: Given those dates, I would assume it's subsequent to zoning, maybe the better way to handle it then is as Mike drew it up originally since it's ambiguous whether it's pre-existing or not, apply for a variance, you're covered, the board understands since we separated what's existing and proposed so in terms of burden of proof you're looking at the marginal increase and the existing signage pre-exists or has been there for a long period.

MR. GALLAGHER: Sure.

MR. COHEN: That being the case, I'd like to address each of the issues one at a time. Initially we're looking for a variance to add one freestanding sign and then we also ended up with needed a variance for square footage and the proposed sign it was after I received the denial that we noticed the item which Mr. Babcock mentioned plus the square footage on the existing sign. Through communication with Mr. Gallagher, I have ascertained a couple of things of the old sign if I can explain it to you, it might be to his benefit. Number one is the age of the sign. It was built in 1969 and then questions whether it was prior or subsequent to zoning which has to be determined I suppose. But he also indicated to me at that time it was thought that

there was going to be a highway going behind his property in which cast the sign was erected at that height as you mentioned in order to compensate for the travel of traffic that would be passing in front of his property. I'm not from the area, I don't have any personal knowledge of that and I can understand how that would be a benefit because as you see gasoline station signs should draw traffic being a truck center which does repairs for tractors, for diesel type of vehicles, that would be very beneficial. The other point in regards to having both freestanding signs on the property, is that while he has several businesses in that garage which is predominantly used for the trailer trucks, here's a truck I took a picture of he primarily has buses, large recreational vehicles and tractors used for tractor trailers. His other effort brings small sales office which is more familiar which is four wheel drive vehicles and pickup trucks so it's a different market. Now he has 12 acres of property 11 of which are in the Town of New Windsor, I guess the other one is considered Newburgh which is very spread out. I realize it's one lot but as you come down Route 32 south, within 100 yards of the property, you have no visibility as to the fact that he does have a GMC dealership. And that is what we're trying to correct. When you pull into his property, you take a right-hand turn into his property far to the right is where all the tractors are with the large garage building, far to the left is where his sales office is. Somebody who does not know the area or to somebody who's not familiar with the fact that that is considered one lot it does readily appear that there are two buildings. In fact, when I first came here, to New Windsor, I went passed it and I was looking for, and I'm the sign guy, and I couldn't find the place. And I'm trying to look for signs. Also once you go on 32 south as you go right passed his driveway, you wind up going to Honda dealership which I want to address later as I didn't measure that sign. However, it does appear that that sign is definitely 40 square feet because you have the 2 by 2 and you have approximately 10 to 12 feet of span and you have Kawasaki underneath it so the potential customer coming from the Newburgh area is coming down the road, sees all the tractor trailers parked in front, cannot see the Gallagher sign unless you turn

this way which you're not going to do. It's totally non-visible from Newburgh headed south. And by the time you realize actually you don't even realize you passed the place, you see the trucks and the Kawasaki dealership and you go further down the road there's a Volvo International dealership which is probably his competition and that is readily seen so for competition sake to keep his fair share of the market, we feel there's a need for the second sign. In terms of square footage of the proposed sign, I'll be honest with you first I had erroneous information. I was under the impression that 30 square foot was all that is allowed and we were trying to sell the sign at 36 square feet I believe this is the colored drawing which Mr. Babcock has. I think I saw photocopies of it. Generally, we do about 2 dozen signs a year, and it can go either way but what we generally sell it as is a 6 by 6, you have four inches and change and we do admit that the GMC logo is lit and we normally would like, that counts that as part of the pile on if that is the boards wish that can be done. If not, and now knowing the square footage allowed is 40 square feet, we come in at 42.6 square feet.

MR. TORLEY: Double sided?

MR. COHEN: Yes, it is.

MR. TORLEY: We count both sides, wouldn't matter, you're over the limit anyway.

MR. BABCOCK: We should modify that we need to double that number then.

MR. LUCIA: Including the GMC logo what is it for one side?

MR. COHEN: 42.36.

MR. LUCIA: 82.74 square feet for two signs.

MR. COHEN: Yes, if you double that. The point I was going to make at any rate with the size of the sign that the layout of the GMC logo it's a nationally advertised logo and as you may know, many places if you

are traveling, Burger King, McDonald's, Friendly's, anyplace that has a national logo, the general idea is that the customer does not read what's on the sign. What he actually does is he recognizes the logo. It's taking that as a whole and to keep the proportion the way it is advertised for him to now come within given the fact that it is two sides make it more so he would have a sign that would be totally ineffective. And the proportion would be the same, he'd probably wind up with not even 4 X 4 cause that is way over 40 square feet total would be you're talking about 3 by 3.

MR. TORLEY: Four by five is--

MR. COHEN: Coming from 32 north, you're seeing Honda Kawasaki sign and this we feel would put it on par with any competition you may have. We also know we did the Friendly sign we installed it, same company that built the sign built the Friendly which is the same zone although it's further down Route 32 and I recall having my people come here about a year and a half ago for a variance on placing that, we added S, a letter, and it was the same argument we used then as we do now that it is part of a national logo which is actually what sells the place, not the fact that it says Friendly's you can take or GMC, or McDonald's or Burger King and again, the proportions that had been detailed out is what we feel would give visibility in regards to both his neighbors and his competition down the road, would give him visibility coming south on Route 32 as they are coming along the bend and would give them visibility after he passes the greenhouse place on the left-hand side headed north, has quite a lot of signage as you come around the corner that would give you visibility, we feel that is necessary in order for him to be able to fully enjoy the market that might be coming into the business. Now you said I don't need to address the wall signs so that is basically what we're looking for, the height is within the height. But predominantly to summarize the two variances would be on the second sign to identify two distinctly seen businesses, which again to somebody who doesn't know they don't know it's the same lot, many times you have shared driveways and it appears when you pull in there you're going to a heavy duty truck dealership, not the type of vehicle that

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would sell the four wheel drives and the things that Mr. Gallagher wants to sell at that particular business and we just feel it would draw the clientele that he is looking to draw in.

MR. TORLEY: So you feel that he could not simply remove the old sign perhaps adding additional tags on to the new sign.

MR. COHEN: No, since the old sign is on a totally different part of the property, it clearly identifies the building that houses the buses and the trailers, the sales office is small compared to the garage, it's probably a third of the size and the lot is the old one it's set way back.

MR. TANNER: You don't really even see it.

MR. COHEN: It's facing the wrong direction.

MR. TORLEY: That being the case, it's not terribly effective for you anymore, why not remove it.

MR. LANGANKE: It's effective for the truck dealership.

MR. GALLAGHER: If I can point out a few things there's different businesses that are advertised on it doesn't show well, that is for the charter bus, one is for the truck leasing and one is for Peterbuilt. This one is GMC, we can remove that because the need for GMC truck up here in the back would go away with the new highway sign.

MR. TORLEY: That would be reducing.

MR. LANGANKE: Well, you know that sign is draw for the truck dealership there. I don't think he should have to modify that.

MR. TORLEY: If he does pull the GMC sign off.

MR. GALLAGHER: Off the tall sign.

MR. TORLEY: That is a reduction in the number of possibly noncompliance sign.

MR. TANNER: That isn't a problem for you.

MR. GALLAGHER: Well, it's an expense but if that is what the board wants us to do, we don't have a problem with that.

MR. LANGANKE: He still sells large GMC trucks also.

MR. GALLAGHER: Well, there's--

MR. LANGANKE: Applies to the sign, the old sign that is still standing.

MR. GALLAGHER: Sure it has some application there too.

MR. LANGANKE: This is for the small sales office to the left, I don't think he should have to modify that large sign.

MR. TORLEY: Before we get to the public hearing stage, if that is your pleasure, get back to the records and let us know whether that sign does pre-exist zoning.

MR. BABCOCK: It would have to have been there January 1 of 1966 and I think Mr. Gallagher is saying that it was not.

MR. GALLAGHER: It was not.

MR. BABCOCK: I think we should proceed on the lines that it needs a variance and he's here tonight in front of the board, we might as well address it.

MR. GALLAGHER: That is clear in my mind.

MR. LUCIA: It may have been legal under whatever the then sign ordinance was or under some paperwork that was originally approved so we just don't have records to see whether it is.

MR. BABCOCK: Just recently the zone was changed, it's C, it used to be PI zone.

MR. GALLAGHER: It was called out as PI in the

introduction by the way.

MR. LUCIA: It was still PI when you got your variance on the prior wall sign?

MR. GALLAGHER: That is correct.

MR. LUCIA: Maybe if Mike is ready we can put in the record what the numbers now are for the variance, so the applicant knows what the burden is if Mike is ready.

MR. BABCOCK: Well we're looking for 4 variances, we'll go through them all. Number one is we're looking to have two signs so we're looking for a variance of one sign.

MR. LUCIA: Two freestanding signs, one proposed, one allowed one variance.

MR. BABCOCK: Right, number two he's allowed 40 square feet on his existing sign and he has 1,256 square feet and he needs a variance of 216. The height of that pre-existing sign is permitted 15, he's proposing 40 so he needs a variance of 25. The new proposed sign, sign number 2, he's allowed zero because he's already got the credit for the first sign and he's proposing a sign to be 84.72 square feet. So he needs a variance of 84.72.

MR. TORLEY: Question for our attorney, should we if we go to the stage where we grant variance on this I'm a little concerned about the height of the old sign, 40 feet is a long way above.

MR. GALLAGHER: Could I ask if you have driven it and sighted it from the road?

MR. TORLEY: It's hard to see, it's already so far back should that sign be replaced at some future date would you have an objection to having a smaller sign closer to the road, 40 feet is a long way above height requirements.

MR. TANNER: But it's there, Larry.

MR. TORLEY: If you give him a variance for the existing sign, you can replace the sign for the same size and height.

MR. GALLAGHER: Quite frankly, where it is placed and the height is a mistake, the only reason we don't want to move it is the expense.

MR. TORLEY: That is my only thing I would like to know if we can qualify that if you already got it there it's been there since 1969. It's not causing a problem for anybody else but I'm not sure we want to say this sign can be replaced at the same size and site that it is if he has a variance if we give him a variance if the sign blows over he can replace it with the same size.

MR. TANNER: He can't move it closer to the road.

MR. TORLEY: He could drop the height and move it closer to the road.

MR. HOGAN: You want to bargain that out now?

MR. LUCIA: Your entitled to condition the variancd in terms of time, you know, if you feel it he's had it there since 1969 you can condition your variance either not replacing it but the applicant is in a position where he is coming in in good faith, I think he believes pre-existed or is there legally and may well be. I'm not sure although he's coming in for additional signage whether you want to revert back just because he's here for a new sign.

MR. TORLEY: I have no problem with the sign that is there now, it does appear based on the data we have now that it will require a variance. My only question is I'm reluctant to say okay, if it blows over you can put up another 40 foot high sign. That is my only problem.

MR. GALLAGHER: I'm kind of a novice but it would seem to me anyone who was replacing a sign would have to go through an exercise like this would that be the case?

MR. LUCIA: Well, if it is going to blow down, you'd

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be entitled to replace it with the same thing, you'd only have to come back if you wanted to move it closer to the road.

MR. GALLAGHER: You can count on one thing, if it blows down, you'll see me back here wanting to put it back on the front of the road.

MR. TORLEY: If you would not object if we get to that stage.

MR. GALLAGHER: But the way he presented that I can tell you what's going to happen, I'll be back.

MR. TORLEY: Depending upon your plans since you might want to with the other board members be happy with this if you can grant a variance for conditional if you can give us some idea what sign you want to replace it with.

MR. LANGANKE: He doesn't have to do that.

MR. TORLEY: I'm trying to save him some money if he has to.

MR. LANGANKE: I'm going to be long gone before that sign goes down.

MR. GALLAGHER: I might still be around but I'll be on a cane.

MR. TORLEY: I am just trying to see if you want to arrange it so you won't have to go through the process again.

MR. BABCOCK: It would only be good for would be year and you wouldn't be entitled to a building permit.

MR. TANNER: We'll all be long gone.

MR. GALLAGHER: But if you went and drove and looked at it the top section has neon tubes we cut off the electricity, it was too much of a pain in the neck to maintain, I'm trying to get across this sign is a pain.

MR. COHEN: It's a dinosaur.

MR. TORLEY: If you are planning to change it in the near future we can take care of it and you don't have to come back again.

MR. GALLAGHER: No with the exception of possibly removing GMC and putting the other one up, okay.

MR. TORLEY: Anybody have any questions?

MR. TANNER: I'd like to make a motion we set him up for a public hearing.

MR. LANGANKE: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. TANNER	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

MR. LUCIA: As you may recall from your prior application you have to get a list from the Town Assessor for the property within 500 feet since you border on the City of Newburgh, you're going to have to get City of Newburgh Assessor to pick up anybody who's within 500 feet foot radius. It's been something that is done and not done depending on the application but anyway you'll have to contact both assessors. Give you a copy of Section 267B of the Town Law and just put a little arrow in the margin opposite the 5 specific factors you'll need to speak to in connection with the area variance, the legal standard has changed since your last application so we can just what the board has to do is engage in a balancing test, the granting of this variance is weighed against the detriment of the public health, safety and welfare, if you speak to those 5 issues.

MR. COHEN: I'd like to ask for permission to apply for the hearing by mail.

MR. LUCIA: Well, you can certainly apply by mail but

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if you mail the application back to Pat along with a couple checks, it's \$150 application fee cause this is commercial and \$250 deposit against Town consultant review fees and disbursements the board has.

MRS. BARNHART: That is all on here.

MR. LUCIA: That can be submitted by mail but somebody needs to come back for a public hearing. Any questions on it, just give Pat a call. When you come in for public hearing, we'll need a copy of your deed, copy of your title policy or search and photographs of the site.

MR. LUCIA: That should do it.

MR. COHEN: Thank you.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-22

Date: 5/8/89

I. Applicant Information:

- (a) KWG REALTY CORP., P. O. Box 2628, Newburgh, N. Y. x
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. Property Information:

- (a) PI Windsor Hwy.-Rt. 32-South 9-1-23.1 11.36 acre
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 2/13/69
- (e) Has property been subdivided previously? n/a When? -
- (f) Has property been subject of variance or special permit previously? yes When? 2/88
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? n/a
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

IV. Use Variance: n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____



DEALERSHIP IDENTIFICATION PROGRAM
DEALERSHIP IDENTIFICATION
AND INFORMATION SURVEY
PLOT PLAN

DEALERSHIP NAME <u>SALLACHER TRUCK CTR</u>	STREET <u>WINDSOR HWY, RT 32</u>	CITY <u>NEWBURGH</u>	STATE <u>NY</u>	SURVEY NUMBER
LOCATION (ALTERNATE) <u>PLASTINE</u>	STREET	CITY	STATE	

NOTE: Separate questionnaire must be prepared for the main dealership facility and for each off-site location not immediately adjacent to the main facility.

This survey is for: ☒ Main dealership facility or ☐ Off-site location at (Street Address) _____
Which is a (Specify) _____

Indicate North in This Box
→

INSTRUCTIONS: The plot plan should be a general diagram of the dealership facilities and adjacent property and must show your recommendations as to location of new signs.

Please indicate the approximate scale used on drawings: 1"=60'

THE PLOT PLAN SHOULD SHOW THE FOLLOWING:

- The location of all buildings found on the dealership property, i.e. used car office, service garage, body shop (Label Each)
- Main Building(s) on adjoining property. (It is important that these buildings be plotted accurately in relation to the dealership building(s).)
- Any natural or man-made obstructions, i.e. trees, traffic signals, sewer lines etc.
- Indicate sidewalks, parking lots, used car lots, parts and/or service entrances and driveways. Include any signs on neighboring property which are large enough to be considered.
- Designate streets which bound the property, and show directional flow of traffic, as ☒ Primary ☐ Secondary ☐ Residential.
- The recommended location of the new signs. Label and circle each sign at its recommended site according to corresponding sign number shown in Section I of questionnaire, i.e. ① ② ③ ④ ⑤
- The exterior dimensions of all dealership buildings (corner radius & angle, etc.) and the exact distance from lot line to curb.
- Indicate north with an arrow in box at upper right of form.
- Indicate the location of the power source where electrical hook-up will be made—as (PS).
- Show location of existing signs and number them in sequence to coincide with Section V of the questionnaire—E1, C, etc.
- Indicate by dotted line the dealer approved route for exterior electrical conduit.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

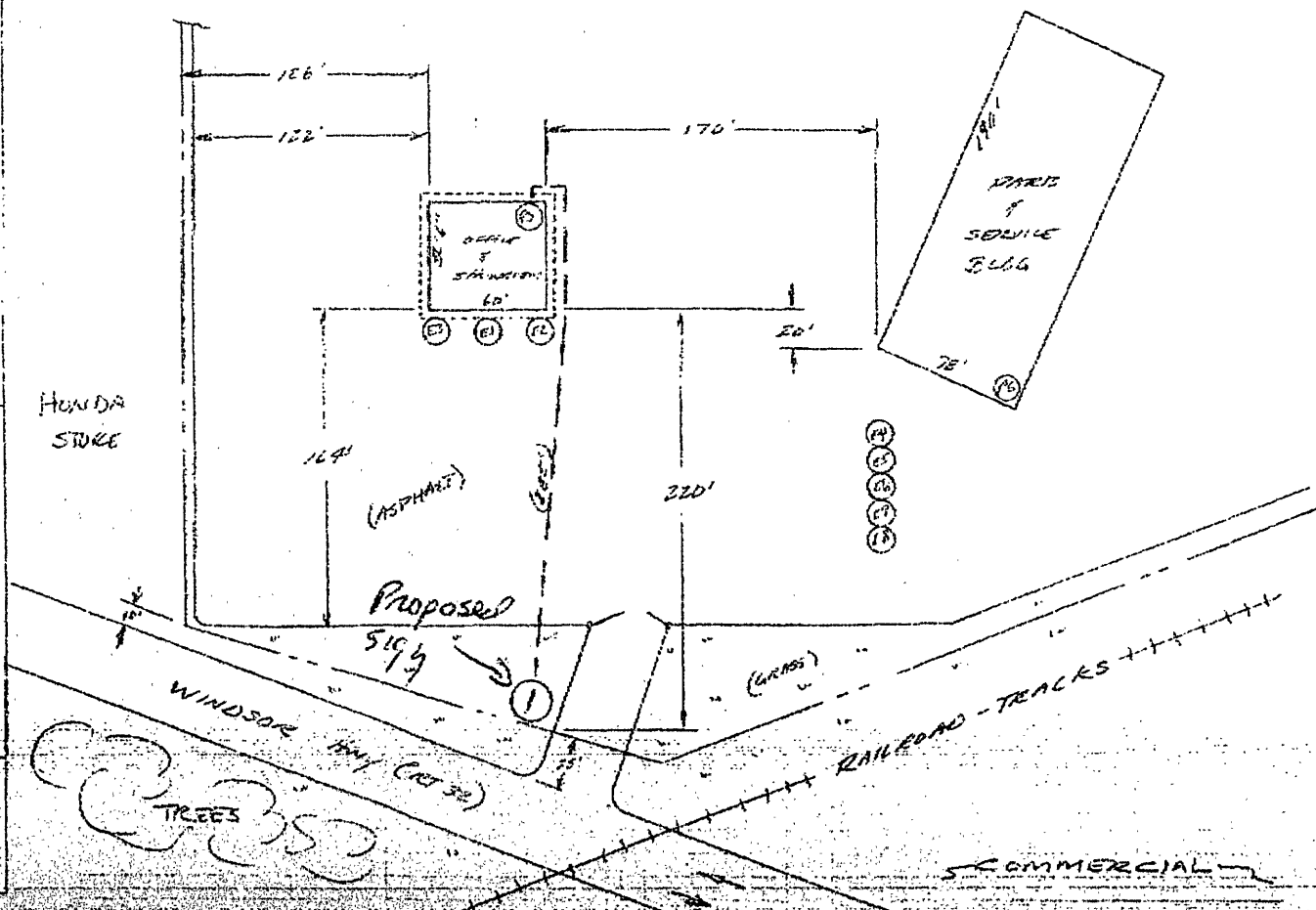
1.	Street Name	Distance— Dealership to Street	Speed Limit
A	<u>WINDSOR HWY</u>	<u>290</u> Feet	<u>45</u> MPH
B	_____	_____ Feet	_____ MPH
C	_____	_____ Feet	_____ MPH
D	_____	_____ Feet	_____ MPH

2. Dealership identifiable from distance of:
Street Name

A	<u>300</u> Feet On <u>WINDSOR HWY</u>	Heading <u>N/S</u>
B	_____ Feet On _____	Heading _____
C	_____ Feet On _____	Heading _____
D	_____ Feet On _____	Heading _____

COMMENTS:

Surveyor's Signature [Signature] Date 8-24-88





DEALERSHIP IDENTIFICATION PROGRAM
DEALERSHIP IDENTIFICATION
AND INFORMATION SURVEY
ELECTRICAL LAYOUT

DEALERSHIP NAME CHRYSLER TRUCK CTR	STREET WINDSOR HWY, RT 92	CITY NEWBURGH	STATE N.Y.	DEALER CLASS L	FRANCHISE C	VIOLATION SCHEDULE	SURVEY NUMBER
ENGINEER COMPANY PHILLIPS	STREET	CITY	STATE	DEALER CODE NO	SIGN MANUFACTURER		

NOTE: SHOWING questionnaires must be prepared for the main dealership building and for each off site location not immediately adjacent to the main building.

This survey is for ☒ Main dealership facility or ☐ Off-site location at (Street Address) _____
Where is it (Specify) _____

INSTRUCTIONS:

1. Draw the outline of all buildings, property lines, and sign locations in the space provided below.
2. Indicate the anticipated electrical trenching layout you will use to provide service at the sign base and length of each run.

I. ELECTRICAL INFORMATION

- A. Electrical service characteristics: 120/240 V 3 Wire Single Phase, 120/208 V 4 Wire Three Phase, Other, Specify _____
- B. Capacity of the electrical service entrance in Amps: 200 Amps
- C. Is existing service adequate to handle the proposed signs? ☒ Yes ☐ No
- D. Show routing and lengths of trenching by dotted line.
- E. Show the size of wire & conduit plus number of wires required to meet code standards
- F. Through what type material will wiring trench(s) be cut? ☒ Earth ☐ Concrete ☐ Asphalt
- G. Make sketch of electrical service entrance equipment and take Polaroid picture of same. Show how you propose to make connections to existing equipment.
- H. List switches, fuses, fuses, fuses, panel boards, and other equipment proposals. Include ratings, catalogue numbers, and other pertinent data.

II. INSTALLATION PROBLEMS

- A. Are there any obstructions such as sewer lines, poles, guy wires, power lines, trees or other obstructions which may be a problem in locating signs at the recommended spot? ☐ Yes ☒ No If yes, describe obstruction and recommend an alternate location.
- B. Are there any obstructions above the selected sign location that would prevent the future upgrading of sign size & elevation? ☐ Yes ☒ No If yes, describe obstruction.
- C. Do you anticipate any problems (not obvious at the present) that might be encountered when digging the trenching? ☐ Yes ☒ No If so, describe _____

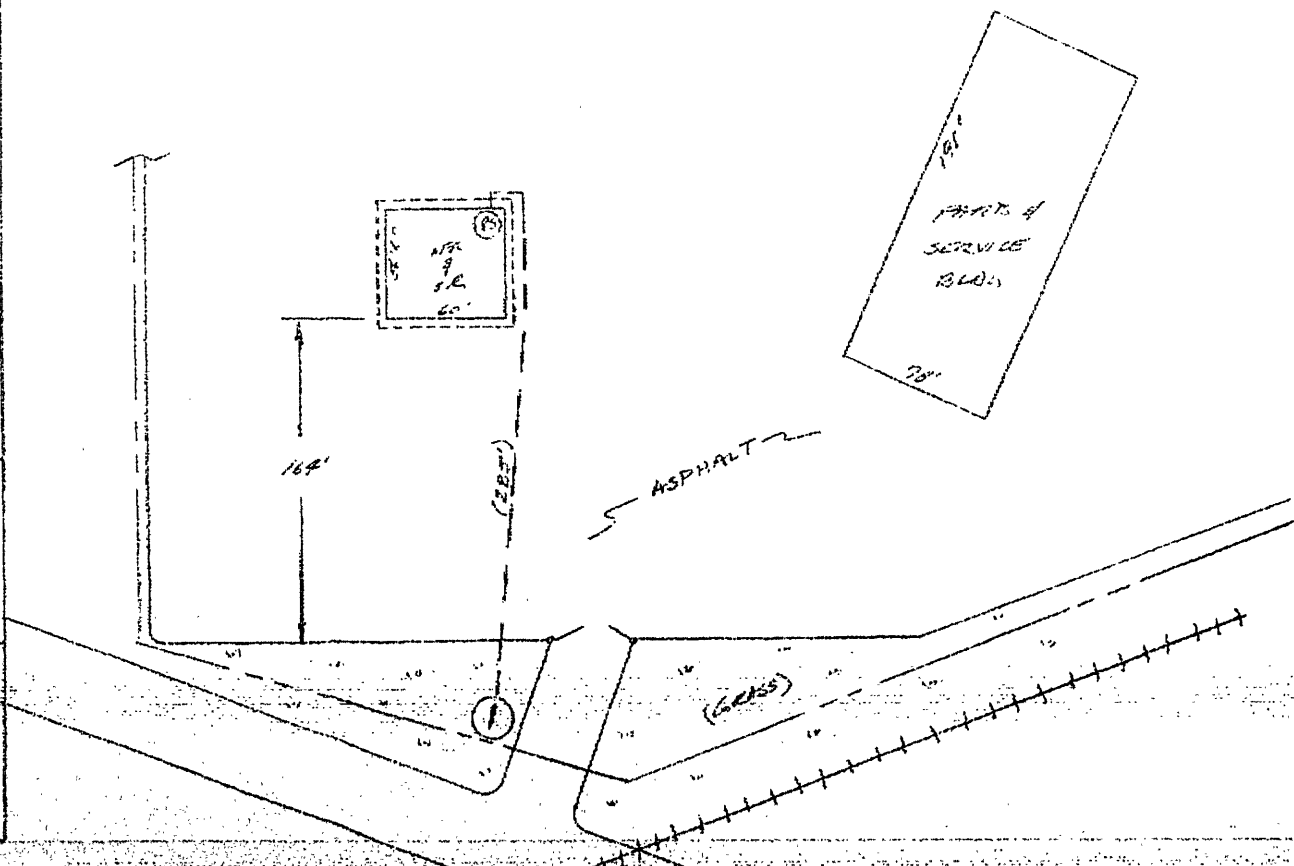
III. FOUNDATION INFORMATION

A. Foundation Code Designations (Circle code & Windload)

Type of Foundation	Code	Windload PSF
Vertical slab	V	25 30 35 57
Horizontal slab	H	25 30 35 57
Caisson	C	25 30 35 57
Block	B	25 30 35 57

B. Other General Comments

① P3P, 1 CIRCUIT, 285', 2 #8 WIRES, 3/4" CONDUIT
ADD ONE ADDITIONAL WIRE (GRD) EQUIV TO THE SAME SIZE AS PRIMARY WIRE FOR PVC CONDUIT



REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM DISIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Hubert R. Smith
 Address 1000 S. 1st St. N. Raleigh, NC 27601 Phone (919) 565-1100
 Name of Architect Hubert R. Smith
 Address 1000 S. 1st St. N. Raleigh, NC 27601 Phone (919) 565-1100
 Name of Contractor Hubert R. Smith
 Address 1000 S. 1st St. N. Raleigh, NC 27601 Phone (919) 565-1100
 State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
 If applicant is a corporation, signature of duly authorized officer:

(Name and title of corporate officer)

1. On what street is property located? On the 1st side of Hubert R. Smith (N.E. or W.)
 and 1000 feet from the intersection of 1st St. N.
2. Zone or use district in which premises are situated R-1 Is property a flood zone? Yes No
3. Tax map description of property: Section 9 Block 1 Lot 1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy Residential b. Intended use and occupancy Residential
5. Name of work (check which applicable): New Building Alteration Repair Demolition
6. Size of lot: Front Rear 100 Depth 100 Front Yard 10 Rear Yard 10 Side Yard 10
 Is this a corner lot? No
7. Dimensions of entire new construction: Front 100 Rear 100 Depth 100 Height 10 Number of stories 1
8. If dwelling, number of dwelling units 1 Number of dwelling units on each floor 1
 Number of bedrooms 3 Baths 1 Toilets 1
 Heating Plant: Gas Oil Electric/Hot Air Hot Water
 If Garage, number of cars 1
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Commercial
10. Estimated cost \$100,000 Fee \$200 (to be paid on first application)
11. School District 1

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

file

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

KWG REALTY, INC.

DECISION GRANTING
EXTENSION OF NON-
CONFORMING USE.

#88-12.
-----x

WHEREAS, KWG REALTY, INC., a corporation having an office on Windsor Highway, Route 32 South, by its Treasurer, Francis X. Gallagher, made application before the Zoning Board of Appeals for an extension of a nonconforming use, and more specifically, extension of the commercial trucking business at the above address; and

WHEREAS, a public hearing was held on the 14th day of March, 1988 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicant appeared with his engineer, Greg Shaw, P. E. of Shaw Engineering; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. Practical difficulties prevail in operating the premises or structures in the presently existing nonconforming manner and that the proposed extension would constitute reasonable adjustment of the existing nonconforming use;

2. The proposed extension will not have a deleterious effect on the neighborhood of the existing nonconforming use;

3. The proposed extension will not be more incompatible with or adversely alter the neighborhood;

4. Adequate or on-site parking and loading spaces will not be provided for all potential users; and

5. The proposed extension will not unduly restrict fire and police protection of the premises and of surrounding properties.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant permission for the extension of the nonconforming use by 30% as applied for and in connection with plans presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: March 28, 1988.


Chairman